

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

:
JOSE LUIS JIMENEZ SOTO, :

:
Defendant. :

-----x
GERARD E. LYNCH, District Judge:

On November 20, 2008, this Court denied defendant's application for re-sentencing pursuant to United States v. Booker, 543 U.S. 220 (2005), and United States v. Crosby, 397 F.3d 103 (2d Cir. 2005). In a letter dated December 3, defendant belatedly responds to the government's arguments against re-sentencing. However, as the Court has already rejected defendant's application, the issues raised in the letter are moot. To the extent that the defendant's letter could be construed as a motion for reconsideration, that motion is denied since the letter identifies no mistakes of fact or law in the Court's November 20 Order. Moreover, defendant is reminded that, since he is represented by counsel, all motions or other communication with the Court should come through counsel, and not from defendant acting *pro se*. The Court will disregard future *pro se* motions and applications presented to the Court by defendant, so long as he remains represented by counsel.

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01 Cr. 508 (GEL)

ORDER

The Clerk of the Court is respectfully directed to docket the attached letter from the defendant.

SO ORDERED.

Dated: New York, New York
December 16, 2008

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GERARD E. LYNCH
United States District Judge